

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT
1 February 2016

HISTORY

P/2015/0733 Change of use of agricultural land to equestrian use, alterations to the access, ménage and erection of two structures for use as timber stable / tack room and timber hay barn. Withdrawn on 02/11/2015

DEVELOPMENT PLAN

Outside defined settlement limit and within a Special Landscape Area. UDP Policies EC4, EC5, EC6, PS2 and GDP1 apply.

CONSULTATIONS

Community Council:	Object to the application on the grounds of the impact upon the visual amenities of the area.
Local Member:	Notified 14/12/2015
Highways:	No recommendations.
PP:	No objection subject to advisory note.
NRW:	No objection.
PRoW:	Consulted 14/12/2015
Ramblers:	Consulted 14/12/2015
Site Notice:	Expired 6/01/2015
Neighbours:	Notified 14/12/2015

SPECIAL CONSIDERATIONS / ISSUES

Background: An application was submitted last year (P/2015/0733) which was subsequently withdrawn following concerns in relation to the impact of the development upon the visual amenities of the Special Landscape Area and upon highway safety. Extensive negotiations took place with regards to the reduction in scale of the development and the scheme now submitted reflects that which was discussed. The number of buildings has been reduced from 2 to 1 and the alterations to create a wider access have been deleted from the proposal. The stable has been moved to the bottom of the field where it will not be readily visible, and additional screening planting proposed.

Design: Proposed is the erection of a building to stable 2 horses and provide dry storage for hay and straw. The building is modest in size measuring 11m in length by 4.5m depth, and 3.3m in height. The building is to be constructed of steel sheeting and coloured green to assimilate with the landscape. The building is of an acceptable scale and design for the location and due to the presence of a high boundary hedge and the proposed additional planting, the development would not be readily visible from the highway and would not be detrimental to the character and appearance of the area or local residential amenity.

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Also proposed is the construction of a ménage for the exercising of the horses. This has been located on the flattest part of the site to ensure that minimal alterations are required to the land levels. The ménage will also benefit from some additional planting and, along with the stable, the development has been laid out and designed to ensure that it is of a high standard of landscaping and special attention has been paid to minimising its visual impact both from nearby and distant viewpoints.

Highways: No alterations to the access are proposed and as such the development would have no impact upon highway safety.

PRoW: The proposed layout ensures that there will be no inference with, or obstruction to, the Public Right of Way which crosses the site.

CONCLUSION

The proposal is of an acceptable scale and design, and as it will not be readily visible from nearby or distant viewpoints the development would not have a significant adverse impact upon the visual amenities of the Special Landscape Area. There will be no impact upon highway safety and I recommend accordingly.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday.
3. No facing or roofing materials shall be used other than those detailed on the application form and within the approved application documentation.
4. The ménage shall not be used in connection with any trade or business and shall be for the personal enjoyment of the Applicant, Mrs Yvette Walsh, only. Upon cessation of the use of the site by the Applicant, the stable building and menage hereby approved shall be permanently removed from the site and the land restored to its previous condition within one month of that date.
5. The erection of fencing for the protection of trees and shrubs shall be undertaken before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. The above mentioned fencing shall consist of a scaffold framework in accordance with Figure 2 of BS 5837 (2005) comprising a vertical and horizontal framework, well braced to resist impacts, with 2.1m vertical tubes spaced at a maximum interval of 3 metres. Onto this, weldmesh panels shall be securely fixed with wire or scaffold clamps. This fencing shall be erected at the full extent of the canopy of each tree and shrub. Nothing shall be

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stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made.

6. The tree protection fencing and ground protection measures approved in connection with condition no. 5 shall be kept in place until all external site works have been completed and the removal of the fencing has been approved in writing by the Local Planning Authority.

7. Within six months of the first use of the development, trees and shrubs shall be planted on the site in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

8. The proposed stable (walls and roof) and perimeter fencing for the ménage and stable yard shall be coloured dark green only.

9. The riding area as approved shall not be illuminated.

10. No storage in connection with the development shall take place in the open on any part of the development site.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

2. To protect the amenities of the occupiers of nearby properties.

3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

4. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and in the interests of highway safety.

5. To protect trees which are of significant amenity value to the area.

6. To protect trees which are of significant amenity value to the area.

7. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

8. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

9. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

10. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

NOTE(S) TO APPLICANT

The applicant is advised that compliance with condition no. 02 does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990. Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60, Notice where deemed necessary, and failure to comply with such a Notice can result in

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prosecution. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information.

The Applicant is advised that under the Environmental Protection Act 1990, dust from construction and/or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information.

There should be no burning of manure and soiled horse bedding at the site.
